

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

OCTOBER 1, 1999

IN RE:)	
)	
PETITION OF INTELICALL OPERATOR)	DOCKET NO. 99-00493
SERVICES, INC. D/B/A IDL FOR APPROVAL OF)	
AN INTRALATA TOLL DIALING PARITY PLAN)	

**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY
IMPLEMENTATION PLAN**

This matter came before the Tennessee Regulatory Authority (the "Authority") on August 10, 1999, at a regularly scheduled Authority Conference, to consider the Petition of Intellicall Operator Services, Inc. d/b/a ILD ("Intellicall") for approval of its IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.¹ Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for exemption, suspension or modification of the dialing parity requirements.

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 et seq.

FILE

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.² On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.³

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

Intellicall is a telecommunications company operating pursuant to Authority Rule 1220-4-2-.57 as a reseller that provides telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, Intellicall is required to file a plan with the Authority that provides for intraLATA toll dialing parity throughout the exchanges it serves in Tennessee.⁴ This plan must allow customers

² FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

³ AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

⁴ Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.⁵

Intellicall filed its intraLATA Toll Dialing Parity Implementation Plan on June 29, 1999, and an amendment on July 15, 1999. The amended Plan, containing Intellicall's Petition for Approval, is attached hereto as Exhibit A and is fully incorporated herein by this reference.

The Directors considered Intellicall's Plan at the August 10, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.⁶ The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method which allows customers to choose different carriers for interLATA and intraLATA service; customer notification/education procedures; and anti-slamming procedures. The Directors unanimously voted to approve the Toll Dialing Parity Plan of Intellicall as amended, with the requirement that Intellicall comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

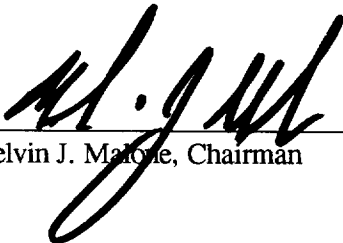
IT IS THEREFORE ORDERED THAT:


1. The amended Plan of Intellicall Operator Services, Inc. d/b/a ILD for IntraLATA Toll Dialing Parity Implementation, a copy of which is attached as Exhibit A, is hereby approved and is incorporated in this Order as if fully rewritten herein;
2. Intellicall Operator Services, Inc. d/b/a ILD shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and

⁵ Pre-subscription allows the customer to place a call without dialing an access code.

⁶ FCC Order 96-333, released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

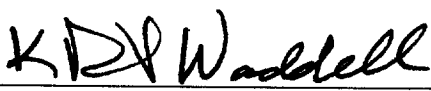
3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.


Melvin J. Malone, Chairman


H. Lynn Greer, Jr., Director


Sara Kyle, Director

ATTEST:


K. David Waddell, Executive Secretary

INTELLICALL OPERATOR SERVICES, INC. d/b/a ILD

SECOND AMENDED INTRALATA TOLL DIALING PARITY PLAN

I. INTRODUCTION

Pursuant to regulations promulgated by the Federal Communications Commission ("FCC"),¹ Intellicall Operator Services, Inc. d/b/a ILD ("IOS") intends to implement technologies which will provide end user customers ("Customer(s)") with the opportunity to designate a carrier for their intraLATA toll traffic. Once the Customer has made such a designation, intraLATA toll calls will automatically be directed to the designated carrier without additional action on the part of the Customer (*e.g.*, without requiring the Customer to dial an access code); in addition, Customers will continue to have the option to utilize additional intraLATA toll carriers on a call-by-call basis by dialing access codes. IOS proposes to implement such toll dialing parity on or before the earlier of (i) thirty (30) days following the date this Amended Toll Dialing Parity Plan ("Plan") is approved by the Tennessee Regulatory Authority ("TRA") or (ii) July 22, 1999, unless the TRA requires otherwise. This Plan will be implemented throughout all exchanges in Tennessee. IOS intends to offer its services in all LATAs in Tennessee.

II. METHODOLOGY

IOS will utilize "multiple Primary Interexchange Carrier ('PIC') technology to implement intraLATA toll dialing parity. Multiple-PIC technology will allow Customers the capability to presubscribe to the same or different carriers for their intraLATA toll and interLATA service. In addition, IOS will offer Customers the ability to access all participating carriers (who have established themselves as access customers under applicable IOS tariffs) by dialing the appropriate

¹47 C.F.R. §51.213(a) (requiring that each local exchange carrier offering exchange service in a state file a plan for providing intraLATA toll dialing parity within the state). *See also* In the Matters of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 *et al.*, FCC 99-54, CC Docket 96-98 (Order adopted March 19, 1999, released March 23, 1999).

access code (*i.e.*, 10XXX, 101XXXX) when placing individual toll calls. Any tariff affected by this Plan will be revised where appropriate, and such revisions will be filed with all applicable regulatory authorities.

IOS does not intend to recover the costs associated with implementing the Plan.

III. CARRIER INFORMATION

Carriers will have the option of (i) offering intraLATA toll service only or offering intraLATA toll and interLATA service and (ii) participating in all market areas or only in specific market areas. IOS will notify potential carriers prior to the initial availability of presubscription in a particular market area.

A carrier will be required to return a completed Non-Disclosure and Participation Agreement, which will be provided to individual carriers as part of the IOS correspondence process. Carriers wishing to participate will be requested to submit Access Service Requests/Translation Questionnaires to the Access Tandem owner (*i.e.*, the incumbent local exchange carrier ("ILEC")) and to IOS.

IOS will not participate in billing disputes between the Customer and the alternative carrier arising out of or related to the provision of intraLATA toll services.

IV. NETWORK INFORMATION

All originating intraLATA toll traffic will initially be routed via the ILEC Access Tandem. Each participating carrier must have Feature Group "D" trunks in place (or ordered) between its point of presence and the ILEC Access Tandem(s).

IOS will route all originating intraLATA toll traffic to the designated carrier and will only block traffic at the request of the Customer and/or in compliance with applicable law and regulations. IOS will not honor requests from carriers to block traffic or to remove Customers from

the carrier's network. Calls that cannot be completed to a carrier will be routed to a recorded announcement.

V. CUSTOMER CONTACT INFORMATION

IOS' customer contact representatives will process Customer-initiated PIC selections to IOS or to an alternative intraLATA toll carrier as designated by the Customer. In addition, alternative carriers may submit PIC changes to IOS via a fax/paper interface; in this event, carriers will be required to submit PIC changes using the Customer Account Record Exchange ("CARE") 960-byte format via paper medium. IOS will provide carriers with PIC order confirmation and reject information using the CARE format. Specific details regarding CARE will be provided to participating carriers.

Existing Customers will be notified of IOS' implementation of intraLATA toll dialing parity via billing insert within two (2) billing cycles after Commission approval of this Plan. IOS will not automatically assign a PIC selection (for itself or any other carrier) to any existing Customer without receipt of that Customer's written consent. Should written IOS correspondence to an existing Customer go unanswered, no PIC change will be made. IOS will accept a selection of "NO PIC" as a bona-fide PIC selection; "NO PIC" Customers will have access code dialing capability to reach participating intraLATA toll carriers.

IOS will inform new Customers of their right to choose an intraLATA toll carrier, and will process Customer-initiated PIC selections to IOS or to an alternative intraLATA toll carrier as designated by the Customer. In the event that a new Customer is unable or unwilling to select an intraLATA toll carrier, IOS will enter a PIC selection of "NO PIC" for such Customer, and will advise such Customer that he or she will have access code dialing capability to reach participating intraLATA toll carriers. IOS will provide all Customers with a confirmation notification of their PIC

selection.

Upon Customer request, IOS' representatives will provide alternative carrier names (and, if supplied by the alternative carrier, telephone numbers) to new or existing Customers in random, competitively neutral order. However, IOS' representatives will not discuss alternative carrier rates or services with Customers, nor will they provide Customers with Carrier Identification Codes or access dialing instructions. IOS' representatives will not initiate or accept three-way calls from alternative carriers to discuss presubscription.

VI. COMPLIANCE WITH LAWS/ ANTI-SLAMMING PROCEDURES

IOS will provide nondiscriminatory access to telephone numbers, operator services, directory assistance and directory listings in all areas served. IOS will comply with all rules promulgated by the FCC and TRA, including the TRA's anti-slamming rules. IOS' procedures to protect consumers against slamming will conform to the requirements of TRA Rule 1220 4-2-.56.

VII. PRESUBSCRIPTION INFORMATION

A five dollar (\$5.00) PIC Change Charge will be incurred and billed to the Customer for each eligible line where a PIC change is made. However, IOS intends to provide Customers with a thirty (30) day PIC Change Charge waiver period. Beginning one hundred and eighty (180) days after the implementation of this Plan, IOS will offer intraLATA PIC Freeze service to all Customers at no charge, in an effort to reduce unauthorized PIC changes. PIC Freeze can only be initiated or removed by the Customer's verbal or written request.

For Customers who change their local service provider from another local exchange carrier ("Other LEC") but retain the telephone number assigned by the Other LEC, IOS, as part of the CARE PIC process, will provide the designated intraLATA carrier with both the retained Other LEC telephone number and the IOS-assigned telephone number.

Dated July 19, 1999.

INTELLICALL OPERATOR SERVICES, INC.
d/b/a ILD

By: B. Reid Presson, Jr.
Regulatory Consultant

F:\TELECOM\LTN-FACIL\PARITY1.DIL